



THE COMMONWEALTH OF MASSACHUSETTS  
WATER RESOURCES COMMISSION

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**Meeting Minutes for December 14, 2000**

**Commission Members in Attendance:**

Mark P. Smith	Executive Director
Marilyn Contreas	Designee, Department of Housing and Community Development
Peter Webber	Commissioner, Department of Environmental Management
Glenn Haas	Designee, Department of Environmental Protection
Ron Sharpin	Designee, Metropolitan District Commission
Gary Clayton	Public Member
Dave Rich	Public Member
Frank Veale	Public Member

**Others in Attendance:**

Linda Marler	DEM
Michele Drury	DEM
Mike Gildesgame	DEM
Lealdon Langley	DEP
Duane Levangie	DEP
Richard Thibedeau	DEM
Vicki Gartland	DEM

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**Item 1: Executive Director's Report**

- Smith reported on the ongoing work concerning the Lakes and Ponds Initiative. The Secretary has formed a "Blue Ribbon Panel" to address lake and pond issues across the state.
- Haas and Smith attended a conference on infrastructure needs in Commonwealth sponsored by MASS Insight.
- Smith and Drury attended a NEWWA conference to discuss the Bluestone project. Both also attended a town meeting in Stoughton to answer questions about regulatory issues concerning both Bluestone and MWRA. Stoughton is assessing its options for long-term water supply solutions.
- There was a meeting in Wilmington funded by the Smart Growth program which brought towns together to talk about water and wastewater issues and trying to restore the Ipswich River. Some interesting proposals were presented, such as purchasing water from MWRA to reduce reliance on local supplies, and wastewater recharge to alleviate low-flow conditions in the Ipswich River. These raise interesting policy questions.
- Smith updated the Commission on the standing issue (which is a work plan item). DEM and DEP have worked on language that makes it clear that interested parties can bring items to the WRC's attention, without setting up an appeal process.

Marler gave the hydrologic conditions report:

- We've had four months with below normal precipitation. This is unusual for this time of year, when we usually get recharge. This is not a problem so far, but some streamflow levels are declining. Conditions were above normal for most of summer (most of year as a matter of fact), but things are declining as a result of the low amount of rainfall we've had for the last couple of months.
- The Weather Service is still forecasting a normal winter, but we seem to be missing some of the storms we usually get.
- Reservoirs seem to be fine, but December is looking below normal.
- Low ground water levels are expanding from the Cape into Southeastern Massachusetts and the Islands.

Smith added that as a result of the lawn water policy under development, there is discussion about the need to get an informational campaign out early in the new year, before the irrigation season starts.

**Agenda Item 2: Vote to adopt the Minutes for May and June 2000**

<b>V O T E</b>	Clayton moved with a second by Rich to adopt the minutes for May. The motion was approved unanimously.
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<b>V O T E</b>	Clayton moved with a second by Haas to adopt the minutes for June 2000. The motion was approved unanimously.
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**Agenda Item 3: Presentation of project proposals received for assistance from the Army Corps of Engineers**

Smith said that the WRC prioritizes these projects for the ACOE but this year there are only two projects, one for each program. Gildesgame explained the two projects. The floodplain management project is from the EOEa Wetlands Restoration & Banking Program. The project is to restore the County Road salt marsh on the North Shore. The Section 22 planning assistance project is a Phase 2 nutrient TMDL study in the Concord & Sudbury Rivers.

Clayton recused himself from the TMDL study discussion, as he is an elected official from the town of Concord.

The WRC agreed to forward these projects to the Secretary for a recommendation to the ACOE for funding.

#### **Agenda Item 4: Draft Final Drought Plan**

Smith stated that the purpose of the plan is to provide a standard operating procedure for state & federal agencies in order to make sure there is adequate response to drought. The Drought Management Task Force will be the main place to integrate all the information concerning drought conditions. This is a working draft. Staff will be soliciting public comments on it, but if there is a drought before it is finalized, it will be usable.

Clayton asked who would have to sign off on the plan. Smith stated that the leads were MEMA and EOEa. After further discussion, it was suggested that this was an issue that would need to be brainstormed on once the plan goes out to public hearings, since the communities, agencies and elected officials would need to “buy-in” to the plan if they were expected to be responsible for certain actions outlined to be taken at specific drought levels. Clayton suggested that this document be brought to the Mass. Municipal Association as well.

Gartland stated that the goal was to inform the public, assist communities with drought response, provide data on ground water resources and provide assistance to water suppliers so that they can put in water use restrictions.

The plan defines drought levels and identifies state and local actions in response to the levels. Indices used to determine the drought levels are the Palmer Drought Index (rainfall, pre-existing conditions); Crop Moisture Index (moisture in the top layer of the soil – agricultural use); fire danger level (DEM); precipitation index, developed by the Drought Management Task Force, with assistance from the National Weather Service; ground water levels from the USGS website; streamflow levels, also from the USGS website; reservoir levels in relation to what is normal for that time of year.

Drought Action levels:

- **Normal:** DEM monitors conditions; communities adopt conservation bylaws and develop drought management plans
- **Advisory:** DEP informs water suppliers; DMTF is activated to monitor drought conditions
- **Watch:** DEP advises public water suppliers of different options; DMTF starts notifying the public of conditions and reminding people of the need for conservation
- **Warning:** Increased public information; DMTF starts looking into other options such as cooperation with other states and emergency actions such as the need for an emergency declaration by governor
- **Emergency:** An emergency declaration is issued by the governor, water use restrictions are enacted, emergency funding is provided, emergency water supplies are activated.

It has not yet been determined how to define end of drought but we will be looking at ground water levels and rainfall. If they are at normal levels and there are no rainfall deficits, then the drought can be considered to be over. This will involve professional judgement.

Information on drought and rainfall conditions will be posted on the DEM website.

**Agenda Item 7: (taken out of turn) Presentation and discussion of the Draft Policy for developing water needs forecasts**

Gildesgame stated that water needs forecasts are used in Water Management Act permits. Staff have been getting requests from towns that want increases in their WMA permits, but the information available hasn't always been good (high unaccounted-for water, no disaggregation). This policy is intended to give direction to communities about the kind of data that is needed to develop water needs forecasts.

Langley stated that there are several instances where communities are exceeding their registrations or permitted volumes, or need to be permitted for an unauthorized source. DEP has taken enforcement action, but when communities request water needs forecasts from DEM for use in a WMA permit, DEM finds that the data are not accurate (due to metering problems, high gpcd, high unaccounted-for water, etc.).

The policy addresses three types of communities:

- A. Communities that have a WMA permit and meet the criteria for the Method 1 communities (from the WRC-approved water needs forecasting methodology)
- B. Communities that don't have a WMA permit, but meet the criteria for either Method 1 or Method 2 communities (from the WRC-approved water needs forecasting methodology)
- C. Communities that have problems with data and can't meet either criteria

Group C are the communities for which water needs forecasts can't be developed because of the poor quality of their data. The policy would give DEM and DEP discretion to develop forecasts without a vote by the WRC. These would be interim projections until accurate data could be developed. After that time, interim projections would be reviewed and DEM would use the data collected during this period to formulate water needs forecasts to be presented to the WRC. If approved they would be incorporated into WMA permits.

Levangie stated that it was important to get Group C communities into the permitting process. This would require them to incorporate water conservation measures and gather accurate data. Currently there are about 20 communities in this category.

Gildesgame stated that interim allocations would be based on recent data. They are not forecasts, but would allow the community to "get by" for the next few years and develop the type of data we need to use in our forecasting methodology. The allocation will be part of the permit, which will require conservation measures.

Langley stated that interim allocation would only be in effect for a maximum of five years. After this time, data should have been collected and the community could get forecasts from DEM. The allocation would probably be developed from the last three years of the annual statistical reports, but it will also be based on professional judgement.

Webber suggested that the WRC should endorse the policy as way to get certain communities into the permitting process.

Haas stated that it shouldn't be a WRC policy, but an agreement between DEM and DEP, and that the agencies should inform the WRC of what is going on. These allocations are for communities which do not meet the WRC's criteria. DEM and DEP won't bring anything to the WRC that doesn't meet its criteria.

Smith stated that further discussion on this was needed.

**Agenda Item 6: (taken out of turn) Update on Executive Order 418 – Community Development Planning Program**

Contreas distributed copies of the guidebook "Building Vibrant Communities" developed under the Executive Order 418.

EO 418 has two purposes:

- To encourage housing supply
- To encourage communities to plan for the accommodation of housing, open space, resource protection, transportation and economic development

Each community in the Commonwealth will receive a guidebook; EOEA has done build-out maps for all communities. The communities have been invited to participate in the community development plan program. Participation is voluntary. So far there have been three responses: Beckett, Holden and Raynham. This program is a collaborative effort between DHCD, EOEA, Transportation & Construction and Economic Development.

EO 418 provides the basis for how the community development plan program is to operate. Three agencies (DHCD, EOEA, T&C) have contributed funds for planning services from RPAs or approved consultants. Communities have to do their transportation plans regionally. The goal is for a GIS based planning document for communities to use as they develop. The emphasis is to consider housing available to a broad range of incomes and also to look at reuse of available buildings for housing. One aim is to try to bring all elements of community planning (housing, open space, etc) into one place. There is also an emphasis on water (water quality/water budget, etc.) and to get water suppliers involved as well. The community development plan should reflect how all the pieces work together. The Guidebook is available on line.

Smith stated that the guidebook has integrated environmental protection with development. There is an emphasis on mapping out "green infrastructure" first and planning around this. Contreas stated that sustainable development is an important piece of this effort.

Veale expressed concern that green space be protected. Contreas stated that any money disbursed under this program is planning money, so it can't be used to purchase green space, but the plan will give decision makers a basis to decide what to protect.

Veale then asked if this could be used to exclude certain uses. Contreas replied that it would only be used to guide decisions. Veale stated that the planning process should outline what it will take to implement these plans. Contreas responded that the guidebook does provide techniques to be used in the process and examples of what has been done in other places. This is an initial tool to help communities get to where they want to go.

Gildesgame stated that the program encourages towns to work together. We should think about how this links with Community Preservation Act. Contreas stated that they have started working with that.

**Agenda Item 4: WRC 2001 Work Plan**

Smith stated that much was accomplished during 2000. Unfortunately DEM has lost staff so we were not able to get as much done as we needed. A lot of the projects will be continued through 2001 because of the ambitious scope of the 2000 Work Plan.

The major items in the 2001 Work Plan are:

- Revision of IBT regulations for the first time since 1985. This is a recommendation right now. The WRC should give it some thoughtful consideration.
- Update of the Water Supply Policy Statement. The last update was in 1996. Since that time we have done so much work with stressed basins and outside water use, etc. The time is right to update once again.
- Continue with the stressed basin work by looking at more than hydrology (fish passage, water quality).
- Guidance for ground water withdrawals, especially the relation to impacts to surface water bodies.
- Outdoor water use: there is a recommendation to amend the conservation standards to add a piece on outdoor water use.
- Biological conservation: how do we include biodiversity issues into our work?
- Updating the IBT guidebook.
- Completion of drought management plan.

Smith asked the WRC to review the proposed work plan and let him know if they agree with its direction. Haas is concerned that if IBT regulations are opened up, they may be gutted. If this seems like the way we are going, we might want to work on guidance rather than changing regulations. Clayton suggested that the work plan be shared with Secretary and agency heads.

Meeting adjourned

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Minutes approved 11/14/02